

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUKHJINDER SANDHER,

Petitioner,

-against-

NEW YORK STATE,

Respondents.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ SEP 13 2006 ★

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MEMORANDUM AND ORDER

Case No. 04 -2152 (FB)

BLOCK, Senior District Judge:

Sukhjinder Sandher ("Sandher") petitions the Court for a writ of *habeas corpus* pursuant to 28 U.S.C. §§ 2241 and 2254. To the extent his petition challenges the final order of removal entered in the Board of Immigration Appeals' File Number A74-837-984, the Court is without jurisdiction to decide it. "The REAL ID Act[, Pub. L. No. 109-13, 119 Stat. 231,] eliminates *habeas corpus* review of orders of removal and requires that any § 2241 petition pending in the district court . . . be transferred to the court of appeals in which the petition could have been properly brought as a petition for review from a final order of removal under 8 U.S.C. § 1252." *Marquez-Almanzar v. I.N.S.*, 418 F.3d 210, 212 (2d Cir. 2005). Accordingly, Sandher's § 2241 petition is transferred to the United States Court of Appeals for the Second Circuit; further removal proceedings are stayed pending further action by the circuit court.

SO ORDERED.

FREDERIC BLOCK
United States Senior District Judge

Brooklyn, New York
September 11, 2006